

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 515
SENATE BILL NO. 1338

By Yager

Substituted for: House Bill No. 938

By Ferguson

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 10, Part 1, relative to constables in counties having a population of not less than 47,000 nor more than 47,500 according to the 1990 federal census or any subsequent federal census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-10-101(a)(3)(B), is amended by deleting the figures:

47,000

47,500

SECTION 2. Tennessee Code Annotated, Section 8-10-109(b)(2), is amended by deleting the figures:

47,000

47,500

SECTION 3. Tennessee Code Annotated, Section 8-10-101(a)(3), is further amended by adding the following language as a new subdivision (C):

(C)(i) If the county legislative body of any county having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000), according to the 2000 federal census or any subsequent federal census, adopts a resolution in accordance with subdivision (A) to abolish the office of constable for that county, the resolution shall not become operative until approved in an election to be held in accordance with the following.

(ii) Upon passage of the resolution, the county election commission shall, pursuant to § 2-3-204, hold an election on the question of whether or not the office of constable shall be abolished providing options to vote "FOR" or "AGAINST" the question, after the receipt of a certified copy of a resolution from such county requesting an election be held. The ballots used in such election shall have printed on them the substance of such resolution and the voters shall vote for or against its approval.

(iii) The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the local governing body.

(iv) The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of the question on the ballot.

(v) A majority vote of those voting in the election shall determine whether the office of constable shall be abolished. If the question is approved the office of constable shall be abolished as provided in the resolution. If the question is not approved at the election, a successive referendum on such issue shall not be held for a period of two (2) calendar years.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 12, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of June 2009



PHIL BREDESEN, GOVERNOR